THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17515 of 2006

Dated: 11-09-2006

Between:

Smt. Penumatsa Venkata Satya Varalakshmi and fourteen others.

..... PETITIONER

AND

The Commissioner,
Greater Visakhapatnam Municipal Corporation,
Visakhapatnam, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17515 of 2006

ORDER:

The petitioners, who are fifteen in number, filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondents in attempting to dispossess them from their house sites bearing various plot numbers in survey Nos.9/1A and 9/1C situated at Darapalem of Mudasaralova Village in Chinnagadili Mandal, Visakhapatnam District. They also seek a consequential direction to the respondents not to dispossess them without following due process of law. It is the case of the petitioners that all of them purchased their respective house sites during the period June, 1990 and November, 1991 for the purpose of construction of houses. Before entering into the sale transactions with the vendor, when they allegedly enquired with the registering authorities as well as the revenue authorities, they were informed that the land is ryotwari land as per the Settlement Fair Adangal and the said survey numbers are not the forest or the Government land. The third respondent herein also issued a certificate dated 28.06.1988 to that effect. Be that as it is, though the land was purchased by the petitioners for construction of houses, they could not raise houses but constructed compound walls and growing trees like mango and cashew. They allege that on 14.08.2006, the officials of the respondents came to their plots and asserted that the property belongs to Government and tried to dispossess them. Therefore, the present writ petition is filed.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (General) has obtained instructions. He submits that the subject land is classified as Government Poramboke and Government has allotted the land to the Central Reserved Police Force (CRPF), that the District Collector is taking steps to handover the land to them and that the process of fencing the land is on. He, however, does note dispute that the petitioners, who purchased the property under sale deeds, have not been issued notice before allotment of land to CRPF or before erecting the fencing.

After perusal of the certificate issued by MRO to the effect as well as the Xerox copies of the sale deeds under which some of the petitioners purchased their plots, this Court is of the considered opinion that unless and until the petitioners are evicted by following due process of law after giving notice to them, any action on the part of the respondents to dispossess them by coercive steps cannot be appreciated. There shall be *status quo* as on today.

The writ petition, with the observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

11th September, 2006
ghn